

Reply Under 37 C.F.R. § 1.116 – Expedited Procedure

Serial No.: 09/469,670

Examiner: David E. Odland

REMARKS/ARGUMENTS

Claims 1-6 remain in this application. Claims 7-10 have been added. Claims 1 and 6 have been amended.

The Office Action rejected claims 1 through 6 under 35 U.S.C. § 103 as being unpatentable over US Patent No. 5,434,863 to Onishi et al. (the Onishi reference). However, the Onishi reference fails to disclose or suggest the requirements of the claims.

The Onishi reference fails to disclose, *inter alia*, the requirements of claim 1 of, “Dynamic Routing and Control (DRC) driver including a plurality of Application Program Interfaces (API) for interfacing to the main processor” and “a transport interface for interfacing between said DRC driver APIs and the transport media”. At column 7, lines 3 through 6, the Onishi reference states that, “To the router bus 1 is connected a router manager 1 which has a function of managing the whole system and a function of producing/distributing a routing table and acts as a main processor.” The Onishi reference nowhere discloses that the router manager includes APIs for interfacing with a main processor or transport interface for interacting with said DRC driver APIs and the transport media.

In addition, the Onishi reference fails to disclose, *inter alia*, the requirements of claim 1 of, “a Packet Flow Processor (PFP) driver including a plurality of Application Program Interfaces (API) for interfacing to the packet flow processors” and “a transport interface for interfacing between said PFP driver APIs and the transport media”. At column 8, lines 6 through 9, the Onishi reference states that, “Further, to the router bus 1 can be connected routing accelerators 3 of 1 to 8 modules each of which has a function of performing the routing at high speed.” Nowhere is a PFP driver with APIs or a transport interface described by the Onishi reference.

The Office Action agreed with the above that the Onishi reference “does not disclose the RM routing manager and the RA routing accelerator further comprise APIs,” as stated on page 4. However, the Office Action states that it would have been obvious to modify the Onishi reference to meet the requirements of the claims. The Office Action states on page 6 that the

135598

Page 5

Reply Under 37 C.F.R. § 1.116 – Expedited Procedure

Serial No.: 09/469,670

Examiner: David E. Odland

“Examiner’s motivation for using API’s in the Onishi reference was to reduce developmental costs and make the system more user-friendly.” However, the Office Action cites no references that states adding APIs to a Dynamic Routing and Control (DRC) driver for interfacing to a main processor and adding APIs to a Packet Flow Processor (PFP) driver for interfacing to the packet flow processors would reduce the developmental costs of the router or make the system more user-friendly. The advantage of adding API’s is that the DRC may be reused over different system architectures, as stated in the present application at page 5, lines 16 and 17. Though APIs may have been used in software, the new and non-obvious use of APIs in a DRC driver and Packet Flow Processor (PFP) driver is only taught in the present invention. The Onishi reference merely discloses the known methods of system specific IP routers that do not lend themselves to being portable to multiple operating environments, as stated in the present application at page 2, lines 9 and 10. Thus, the only suggestion to add APIs to a DRC driver and PFP driver are found in the present specification and not in the prior art. “The court must be ever alert not to read obviousness into an invention on the basis of the applicant’s own statements; that is, we must view the prior art without reading into that art appellant’s teachings.” *Application of Nomiya*, 184 U.S.P.Q. 607, 612 (Cust. & Pat.App. 1975). The citation of the specification’s own teachings to argue obviousness over prior art is improper. *In re Dembiczak*, 175 F.3d 994, 999, (criticizing hindsight syndrome wherein that which only the inventor taught is used against the teacher).

The newly added claims 7 through 10 are new and non-obvious over the Onishi reference for the similar reasons as discussed above.

135598

Page 6

Reply Under 37 C.F.R. § 1.116 – Expedited Procedure

Serial No.: 09/469,670

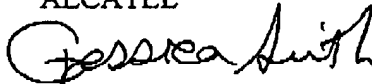
Examiner: David E. Odland

CONCLUSION

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of the claims, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

ALCATEL

Jessica W. Smith
Reg. No. 39,884

Dated: May 17, 2004

Alcatel USA
Intellectual Property Department
3400 W. Plano Parkway, M/S LEGL2
Plano, TX 75075
Phone: (972) 477-9109
Fax: (972) 477-9328

135598
Page 7